APR   7 1998

Randall B. Strong, Esq.
City Attorney
503 Ward Road
Baytown, Texas   77520

Dear Mr. Strong:

This refers to a 1997 annexation (Ordinance No. 97-15) to the City of Webster in Harris County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission of this annexation on February 6, 1998.

This also refers to your request that the Attorney General reconsider and withdraw the March 17, 1997, objection interposed under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, to a 1995 annexation (Ordinance No. 95-33) to the City of Webster. We received your request on February 6, 1998.
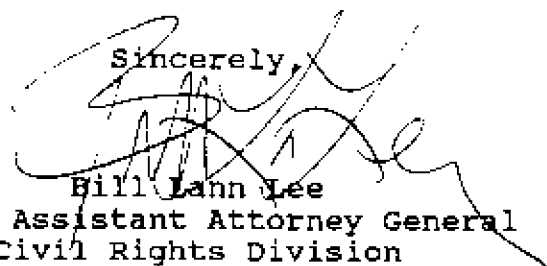
With regard to the annexation adopted pursuant to Ordinance No. 97-15, the Attorney General does not interpose any objection. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

We understand that the annexation precleared above is located within Census Block 101B of Tract 037304. We note that the city's failure to annex this area formed the basis for our conclusion during our review of the annexation adopted pursuant to Ordinance 95-33 that the city had failed to establish that its annexation policy was racially nondiscriminatory. The annexation of the area within Census Block 101B now resolves our prior concerns.

Accordingly, pursuant to Section 51.48(b) of the Procedures for the Administration of Section 5 (28 C.F.R.), the objection interposed to the 1995 annexation (Ordinance 95-33) is hereby withdrawn. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See 28 C.F.R. 51.41.

Sincerely,

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division